IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 21751 of 2007
With
SPECIAL CIVIL APPLICATION No. 21753 of 2007
With
SPECIAL CIVIL APPLICATION No. 21775 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHARATKUMAR KANTILA DHARANI
Versus
THE STATE OF GUJARAT AND OTHERS

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Appearance :

SPECIAL CIVIL APPLICATION No. 21751 & 21775/2007
MR UMANG K CHOKSI for Petitioner.
MR DIPEN DESAI, AGP for Respondents.

SPECIAL CIVIL APPLICATION No. 21753/2007
MR UMANG K CHOKSI for Petitioner.
MS NISHA PARIKH, AGP for Respondents.

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 23/08/2007

COMMON ORAL JUDGMENT

1. Rule, service of which, in each of the petition, is waived by learned AGP appearing for the respondents. By consent and joint request of the learned counsel appearing on both the sides, all the petitions were taken up for final hearing and disposal. The issue involved in all these petitions is stated to be common and, hence, they are disposed by this common judgment.

2. Petitioners being aggrieved by the orders made under the provisions of Section 32 A of the Bombay Stamp Act, 1958 (for short "the Act") have sought to prefer applications in the form of appeals, which are rejected only on the ground of delay. It was submitted and conceded by learned AGP that the petitioners having deposited 25% of the deficit duty their applications in the form of appeal were required to be entertained under the provisions of Section 53, after condoning delay in view of observations made by this Court (Coram : Honourable Justice K.S.Jhaveri) in **Arvind Babulal Adalja v. State of Gujarat** in Special Civil Application No.7477/2006 decided on 2-5-2006.

3. Accordingly, the petitions are partly allowed with the direction that, in each of the case, the Chief Controlling Revenue Authority shall consider and expeditiously decide the cases of the petitioners in accordance with law, after affording to the petitioners an opportunity of being heard. Rule is made absolute accordingly with no order as to costs.

(D.H.Waghela, J.)

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